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EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 3rd July, 2009:—

BILL NO. 20 OF 2009

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

BE, it enacted by Parliament in the Sixtieth year of the Republic of India as follows:—

1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2009. Short title.

59 of 1960.

2. In section 11 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), in sub-section (3), the following clause shall be added, namely:— Amendment of section 11.

"(f) any bullfight or *Dhirio* organized in the prescribed manner.

Explanation—'*Dhirio*' means a traditional game for trial of strength between bulls, as is organized in the State of Goa."

3. After section 13 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 13A.

"13A. (1) No person shall organize any bullfight or *dhirio* without obtaining prior permission of the District Magistrate or any such person appointed by the Government for the purpose.

Bullfights or *dhirio* to be organized only after permission of the District Magistrate.

(2) It shall be the duty of every person organizing a bullfight or *dhirio* to ensure that the horns of the bulls involved in bullfight or *dhirio* are sufficiently covered so as to prevent any injury on account of edge of the horns and wherever possible, a thin sheath covering the horns of the bulls shall be used to protect the body of the concerned animals so as to prevent any injury.

(3) Any person who intends to organize any bullfight or *dhirio* shall make an application in such manner and giving such details, as may be prescribed, to the District Magistrate or any such person appointed by the Government for the purpose atleast fifteen days before the date, the said bullfight or *dhirio* is to take place.

(4) On receipt of the application, the District Magistrate or any such person appointed by the Government for the purpose may grant permission for organizing bullfight or *dhirio* subject to such conditions as he may lay down or refuse permission after giving the organiser a reasonable opportunity of being heard and recording reasons therefor.

(5) Any order issued under sub-section (4) by the District Magistrate or any such person appointed by the Government for the purpose shall be final."

STATEMENT OF OBJECTS AND REASONS

In certain States of the Country including the States of Goa, Tamil Nadu etc. the bullfight popularly known as *Dhirio* or racing or fight by or between animals is organized in the villages during certain festivals. Organisation of such events during the festivities is a tradition going back to centuries. However, in view of restrictions laid down under the Prevention of Cruelty to Animals Act, 1960, such events cannot take place. People in the villages of the State of Goa are agitating over restrictions on events like *Dhirio* during the festivities. The proposed amendment Bill seeks to exempt the events like *Dhirio* from the purview of the Act and to enable the people to organise such traditional events as *Dhirio* after obtaining due permission from the District Magistrate or any such person appointed by the Government for the purpose.

The Bill seeks to achieve the above objective.

NEW DELHI;

FRANCISCO SARDINHA

June 4, 2009.

BILL NO. 24 OF 2009

A Bill to provide for the establishment of an autonomous central Authority to ensure rapid, accelerated and overall development of poor, underdeveloped and backward areas and regions of the country which lag behind in matters of development of infrastructure in economic, social, educational, technical and industrial fields and assure their speedy development in a planned manner and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Underdeveloped and Backward Areas and Regions (Special Provisions for Accelerated Development) Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “Authority” means the Underdeveloped and Backward Areas and Regions Development Authority established under Section 4;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) "underdeveloped and backward areas and regions" means the areas and regions which are economically, socially, educationally and industrially lagging behind from rest of the country and so declared by Central Government under Section 3.

3. The Central Government shall, as soon as may be, but not later than one year from the commencement of this Act, by notification in the Official Gazette, declare such areas and regions of the country as poor, underdeveloped and backward areas and regions, which in its opinion, require priority attention to bring such areas at par with the developed areas and regions of the country.

Notification of underdeveloped and backward areas and regions.

4. (1) The Central Government shall, by notification in the Official Gazette, establish an Authority to be known as the Underdeveloped and Backward Areas and Regions Development Authority.

Establishment of Underdeveloped and Backward Areas and Regions Development Authority.

(2) The Authority shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name sue and be sued.

(3) The headquarter of the Authority shall be at Bhubaneswar in the State of Orissa and the Authority may, with the consent of the appropriate Government, establish its offices at other places in the country.

5. The Authority shall consist of the following members:—

Composition of the Authority.

(a) the Prime Minister, who shall be the Chairman, *ex-officio*;

(b) the Deputy Chairman of the Union Planning Commission, who shall be the Vice Chairperson, *ex-officio*;

(c) five members of Parliament representing underdeveloped and backward regions, of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(d) ten members to be appointed by the Central Government representing the Planning Commission and Ministries/Departments of Agriculture, Rural Development, Industry, Finance, Railways, Road Transport, Human Resource Development, Power and Water Resources of the Union Government; and

(e) not more than five members to be appointed by the Central Government by rotation in the alphabetical order to represent the Governments of the States having the underdeveloped and backward areas and regions.

6. (1) The Authority shall follow such procedure for holding its meeting as may be prescribed.

Procedure to be followed by the Authority.

(2) No act or proceeding taken by the Authority under this Act shall be questioned on the ground merely of:—

(a) the existence of any vacancy in, or defect in the constitution of the Authority,

or

(b) any omission, defect or irregularity not affecting the merits of the case.

7. (1) The Authority shall have a Secretariat consisting of such officers and employees as may be prescribed.

Secretariat of the Authority.

(2) The conditions of service, emoluments and other perks of the officers and employees shall be such as may be determined by the Central Government from time to time for the efficient functioning of the Secretariat of the Authority.

8. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds for—

Funds to the Authority.

(a) the developmental works to be undertaken by the Authority; and

(b) administrative expenses of the Authority.

Authority to ensure rapid growth and development of underdeveloped and backward areas and regions.

9. (1) It shall be the duty of the Authority to undertake such special steps in order to ensure rapid and accelerated development of underdeveloped and backward areas and regions of the country, as it may deem necessary and expedient to do so for the overall development of such areas and regions.

(2) Without prejudice to the generality of the foregoing provision, the Authority shall take following measures:—

(i) development of infrastructure such as railways, roads, communication network;

(ii) promoting industrial development by encouraging investment;

(iii) development of irrigation facilities, agriculture and agro-based industries;

(iv) augmenting water resources through watershed projects and constructing wells, bore wells, canals, ponds and providing potable water facilities;

(v) installing power projects based on conventional and non-conventional sources of energy; and

(vi) encouraging other activities such as poultry farming, piggyery, livestock, dairy products, cottage and village industries, network of public distribution system, health services, family welfare, education, vocational training, tourism or such other activities as the Authority may deem necessary for the overall development of the underdeveloped and backward areas of the country.

Appropriate Government to provide requisite assistance to the Authority.

10. The appropriate Government shall, for the purposes of this Act, provide the requisite necessary assistance to the Authority in undertaking its developmental work in the areas and regions within the territorial jurisdiction of such Government.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Annual report of the Authority.

12. (1) The Authority shall prepare an annual report, in such form and in such manner as may be prescribed, of its development activities undertaken under this Act and submit it to the President of India.

(2) The President shall cause the report to be laid before each House of Parliament as soon as may be after receipt of the report.

Act not in derogation of other laws.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is a matter of regret that even after six decades of independence and implementation of as many as ten five-year plans and the eleventh Five Year Plan being in midway of implementation, there are many States, areas and regions in the country which are still underdeveloped, backward and afflicted with extreme poverty, hunger and sufferings in the country. The eastern parts of the country particularly Orissa, Bihar, Jharkhand, Eastern Uttar Pradesh, entire North-Eastern region, Chhattisgarh and Tribal areas of Madhya Pradesh in the Central India, Vidarbha, Marathwada, Saurashtra, Kutchh, desert and famine prone areas of Rajasthan in the western parts, Telengana, Mehboob Nagar, Rayalseema in Andhra Pradesh and other areas in Southern part of the country are still most backward, Kalahandi-Bolangir-Koraput (KBK) districts in Orissa are synonymous with poverty, backwardness and hunger. Non-development of many areas and regions has given rise to demand for creation of new States. Some new States have already been created whereas the demands for other States like Vidarbha, Gorkhaland, Telengana, Harit Pradesh and Bodoland, etc. is being raised frequently. Though reducing regional imbalance is one of the primary goals of our five-year plans but, unfortunately, this imbalance still persists which clearly shows that the Union Government and the State Governments concerned have not paid due attention to the development of such areas and regions in the right earnest. So in the larger interest of the country as a whole, it has become necessary to take steps for the overall development of such underdeveloped areas and regions on priority basis by the Government. For this purpose, an autonomous Authority should be established for implementing State, area and region based package programmes for their overall development in a time bound manner in coordination with Central and State Governments.

Hence this Bill.

NEW DELHI;
June 5, 2009.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Underdeveloped and Backward Areas and Regions Development Authority. Clause 7 provides for the establishment of a secretariat with such number of officers and employees for the Authority as may be prescribed. Clause 8 provides that Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at this stage to give an exact estimate of the actual expenditure that may have to be incurred. It is, however, estimated that a recurring expenditure to the tune of rupees two thousand crore would be involved per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill, which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 27 OF 2009

A Bill to provide for relief, compensation and rehabilitation measures through employment and other means for the persons affected by naxalites or maoist terrorism in various parts of the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Persons Affected by Naxalite Terrorism (Relief and Rehabilitation) Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(ii) “dependant” means and includes spouse, minor children and parents; and

(iii) “prescribed” means prescribed by rules made under this Act.

(2) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the same meaning as assigned to them in the respective Acts.

45 of 1860
2 of 1974
37 of 1967

Provision of
compensation
to the victims
or dependants
of persons
killed by
naxalites.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay compensation to the victims of naxalite or maoist violence in the following manner:—

(i) in case of loss of life,

(a) an *ex gratia* grant to the dependants which shall not be less than five lakh rupees; and

(b) financial assistance to the dependants at the rate of not less than two thousand rupees per month per dependant.

to be paid in such manner as may be prescribed;

(ii) in case of serious injury leading to incapacitation, medical treatment free of cost till such period as is necessary for full recovery and payment of an *ex gratia* amount which shall not be less than two lakh rupees;

(iii) in case of damage to the dwelling unit as a result of torching or bombing, repair of the dwelling unit, if viable or construction of a new dwelling unit;

(iv) in case of loss of livestock, adequate compensation for such loss in the prescribed manner; and

(v) in case of loss of livelihood by damage or destruction of shops or kiosks or business establishment, payment of such compensation as is necessary, in the opinion of the appropriate Government, for rehabilitation.

Explanation: For the purpose of this Act, naxalite or maoist violence means any act to strike terror in the people or any section of the people by using bombs, dynamite or other explosive substances or inflammable substances or weapons in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community by an activist or a group of activists belonging to naxalite or maoist organisation.

4. (1) The Central Government, as soon as may be, in consultation with the Governments of the States affected by Naxalite or Maoist violence, shall formulate a national policy for Naxalites who wish to shun violence and return to the mainstream of the nation for their rehabilitation through general amnesty and by providing them with employment, assistance for self employment or by any other means as the Government may deem necessary to do so in the national interest.

Miscellaneous provisions.

(2) The appropriate Government shall promote village level defence system through teams of volunteers for the protection of their village from Naxalite or Maoist violence.

(3) The appropriate Government shall make arrangements for training of volunteers in self-defence and equip such volunteers with necessary weapons for protection of villages from naxalite or maoist violence from time to time in such manner as may be prescribed.

5. The Central Government shall provide, after due appropriation made by Parliament by law in this behalf, adequate funds to the States affected by Naxalite or Maoist violence for carrying out the purposes of this act.

Central Government to provide funds.

6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Many parts of our country are in the grip of Naxalite violence being spearheaded by disgruntled elements, mostly youth, who identify themselves with different names such as naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoist, etc. The worst affected States are Chhattisgarh, Jharkhand and parts of Andhra Pradesh, Orissa, Maharashtra, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Karnataka and Tamil Nadu. The Naxalites are killing hundreds of innocent people, policemen, personnel of paramilitary and armed forces, men, women and children frequently just to create panic and spread terror. Houses and shops are being torched or blown up. Even the thatched huts of the poorest of the poor are not being spared. Crops are being destroyed. They kidnap innocent people for ransom. They attack Police Stations to loot the weapons and kill the Policemen. They blow up vehicles with mines. In naxalite affected areas, people do not venture out of their houses in the evening or night time. They collect illegal taxes in many areas and run a parallel Government.

Despite the fact that innocent people are killed or injured in Naxalite violence, they are not compensated at all or only a meagre sum is given as compensation with much hassles. Similar is the case of persons who have lost houses, livestock, crops, business, etc. In a democratic country like ours, it is the duty of the State to protect the life and property of its citizens and if the State fails to give the required protection, the affected persons and their dependants should be duly compensated by the State.

Similarly, the disgruntled and misguided youth who join these outfits for variety of reasons should be brought back to the mainstream of the nation. They should be given amnesty, employment opportunities and other incentives. There should be a national policy for these naxalites who too are the citizens of this nation.

Hence this Bill.

NEW DELHI;
June 6, 2009.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compensation to the victims or dependants of persons killed during attacks by naxalites or maoist terrorists. Clause 4 provides for rehabilitation, employment or other assistance to those naxalites who shun violence and join mainstream of the nation. Clause 5 provides that the Central Government shall provide funds to the State Governments for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of normal character.

BILL NO. 25 OF 2009

A Bill to provide for the protection of citizens living in coastal areas affected by cyclone or super cyclone or tsunami or any other natural calamity in the coastal areas of the country by providing adequate compensation, rehabilitation and welfare measures and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens Affected by Cyclone, Super Cyclone or Tsunami in Coastal Areas (Compensation, Rehabilitation and Welfare) Act, 2009.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "affected citizen" means any citizen who loses his life or receives physical injuries or whose property, movable or immovable, including standing crops in fields, orchard, livestock, poultry and animal rearing farm, machinery, fishing instruments, boat, tools, consumer goods, business establishments is either lost or washed away or is damaged in any manner or is adversely affected by cyclone, super cyclone or tsunami or any such other natural calamity in the coastal area;

(b) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(c) "Commissioner" means the Commissioner appointed under section 4;

(d) "Fund" means the Coastal Areas Natural Calamity Assistance Fund established under section 3; and

(e) "prescribed" means prescribed by rules made under this Act.

Constitution
of the Coastal
Areas Natural
Calamity
Assistance
Fund.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a fund to be called the Coastal Areas Natural Calamity Assistance Fund for the purpose of this Act.

(2) The initial corpus of the fund established under sub-section (1) shall be five thousand crore rupees of which,

(i) four thousand five hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf; and

(ii) five hundred crore rupees shall be provided by the State Governments concerned in such manner as may be prescribed.

(3) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide such amount as may be necessary for carrying out the purposes of this Act.

(4) Such other sums as may be received by way of donation, contribution or assistance from individuals, organisations or otherwise shall also be credited to the Fund.

Commissioner
to settle
claims.

4. (1) The appropriate Government shall, as soon as may be, after the commencement of this Act, appoint a Commissioner in such manner as may be prescribed.

(2) The Commissioner appointed under sub-section (1) shall be provided with such other staff as may be necessary for assisting him in the efficient discharge of his duties under this Act.

(3) The Commissioner shall be responsible for settling the claims of compensation of the affected citizens in such manner as may be prescribed:

Provided that the claim of compensation under this Act shall be settled by the Commissioner, as soon as may be, but not later than three months of the occurrence of the cyclone or super cyclone or tsunami or any other natural calamity.

Compensation
to affected
citizens of
coastal areas.

5. (1) Every affected citizen shall apply for compensation in the prescribed form to the Commissioner who shall after such inquiry as he deems necessary, subject to the provisions of section (4), settle the claim of compensation.

(2) The affected citizen shall be paid compensation in the following manner:—

(i) in case of loss of life, a compensation of not less than four lakh rupees to the next of kin of the victim within thirty days from the date of submission of application;

(ii) in case of severe injury leading to incapacitation of the victim, medical treatment free of cost till such period as is necessary for fullest possible recovery and payment of such amount in compensation as, in the opinion of the Commissioner, is necessary for his rehabilitation;

(iii) in case of damage to the dwelling unit, repair of the dwelling unit, if viable or construction of a new dwelling unit preferably at the same place;

(iv) in case of damage to the cultivable land or otherwise, providing similar areas of cultivable land or otherwise at a reasonable distance from the place of residence;

(v) in case of damage to the standing crops, adequate compensation in proportion to the losses suffered by such citizen; and

(vi) in case of loss of livestock adequate compensation for such losses in such manner as may be prescribed.

6. (1) Any affected citizen covered under this Act who is also a traditional fisherman shall, in addition to the compensation provided under section 5, also be given adequate financial assistance for the purchase or repair of fishing net, boat and other necessary fishing equipments by the appropriate Government in such manner as may be prescribed.

Special provision for traditional fishermen.

(2) Adequate compensation shall also be paid to the family of those traditional fishermen who go missing or are swept away by the water currents or disappear in a cyclone, super cyclone, tsunami or natural disturbances in the sea, as the case may be, by the appropriate Government in such manner as may be prescribed.

7. (1) The Central Government shall, as soon as may be, in consultation with the Governments of those States having coastal areas within their territorial jurisdiction, by notification in the Official Gazette, prepare a long term Special Development Plan for the coastal areas of the country which are prone to and are frequently devastated by cyclones, super cyclones, tsunami and other natural disturbances in the sea.

Miscellaneous provisions.

(2) without prejudice to the generality of the provisions contained in sub-section (1), the Special Development Plan may also include,—

(a) installation of early warning system at conspicuous places throughout the coastal belt of the country and in particular in coastal areas of the State of Orissa;

(b) construction of security wall in coastal belts which are more vulnerable to cyclone, super cyclone, tsunami and other natural disturbances in the sea;

(c) introduction of low-cost and high waves resisting housing techniques which can withstand the fury of cyclone, super cyclone, tsunami and other natural disturbances of the sea in the coastal areas; and

(d) such other provisions as the Central Government may deem necessary for the development of coasted areas and prevention of soil erosion.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order and give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to remove difficulties.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, regulating any of the matters dealt with in this Act.

Act to supplement other laws.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country has a very long coastal belt spread in the eastern, western and southern parts which are prone to various types of natural calamities mostly generating from the sea. In the recent past, Orissa was devastated by super cyclone killing thousands of people and causing extensive damage to the buildings, houses, business establishments and dwelling units, standing crops, livestock, cultivable lands, roads, bridges and other movable properties. The State is yet to fully recover from such a large scale devastation. The coastal areas of Orissa also witness the fury of cyclones very frequently which is one of the causes of its backwardness. The coastal areas of Andaman and Nicobar Islands, Tamil Nadu, Puducherry and Andhra Pradesh recently witnessed massive damages caused by tsunami. Sea storms during moonlit nights are of very common occurrence in coastal areas. Cyclones, super cyclones, tsunami and other disturbances in the sea not only cause extensive damage in the coastal areas, but also take away precious human lives and cause massive soil erosion. This has contributed to the backwardness of the coastal areas.

Though it is not possible to stop cyclones, super cyclones, tsunami and other natural disturbances in the sea and their adverse effects on the coastal areas but with concerted efforts it is possible to minimize the miseries of the affected citizens by providing them with timely compensation and undertaking rehabilitation measures. The Central Government has to play a key role in this regard and many a time delay is caused in securing relief due to procedural wrangles. It is felt that if a permanent Coastal Areas Natural Calamity Assistance Fund is created and administered, the delays and miseries can be minimized. The Bill seeks to ensure immediate relief to the affected citizens of coastal areas in case of natural calamities. The Bill also provides for a long term development plan for the coastal areas.

Hence this Bill.

NEW DELHI;
June 5, 2009.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Coastal Areas Natural Calamity Assistance Fund for which Central Government has to provide four thousand five hundred crore rupees initially and thereafter as per the need of the Fund. Clause 4 provides for the appointment of a Commissioner for settlement of compensation claims of affected citizens. Clause 5 provides for the amount of compensation to be paid to the affected citizens. Clause 6 provides for additional financial assistance to the fishermen. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. Apart from the initial four thousand five hundred crore rupees which is to be included in the corpus of the Fund, it is not possible at this stage to give an exact estimate of the actual expenditure that may have to be incurred. It is, however, estimated that a recurring expenditure to the tune of rupees ten thousand crore would be involved per annum.

A non-recurring expenditure of about rupees fifteen thousand crore is also likely to be involved

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 26 OF 2009

A Bill to prohibit unsolicited telephone calls by business promoters or individuals to persons not desirous of receiving such calls and for the protection of individual privacy of citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Unsolicited Telephonic Calls and Protection of Privacy Act, 2009. Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "prescribed" means prescribed by rules made under this Act; and

45 of 1860
13 of 1885
21 of 2000

(b) words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the Indian Telegraph Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.

3. (1) The making of unsolicited telephone calls for promoting business interests or for any other commercial purpose or for harassment is hereby prohibited. Prohibition of
making
unsolicited
telephone
calls.

(2) Whoever contravenes or causes to be contravened the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. Notwithstanding anything contained in any other law for the time being in force, no cellular service provider shall pass on the personal information including telephone number of their subscribers to any telemarketing service provider, banks, insurance companies or any such agency so as to protect the subscribers from unsolicited telephone calls.

Cellular
service
providers not
to pass on
information
of subscribers.

5. (1) Every person shall have the right to privacy and freedom to lead and enjoy his life without unwarranted infringement thereof.

Right to
privacy.

19/6/2009

(2) No person shall be deprived of the right provided under sub-section (1) except according to procedure established by law for the time being in force.

(3) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Restriction on
use of
cellphone
camera.

6. No person shall use a cellular phone having built in camera if it does not produce a sound of at least sixty-five decibels and flashes a light when used to take a picture of any person or any other object.

Restrictions of
photography
violating
privacy.

7. Subject to public order, morality and health no person with a view to blackmail any person or for making commercial gains therefrom, shall photograph:—

(a) any part or whole of a human body whether nude or semi-nude or otherwise without the consent of the person concerned; and

(b) any part or whole of a human body at a public place without the consent of the person concerned.

Penalty.

8. (1) Whoever contravenes or causes to be contravened the provisions of,—

(i) section 3 shall be punished with imprisonment for a term which shall not be less than two years but may extend to four years and also with fine which may extend to two lakh rupees;

(ii) section 5 shall be punished with imprisonment for a term which shall not be less than five years but may extend to seven years and also with fine which may extend to five lakh rupees;

(iii) section 6 shall be punishable with imprisonment for six months or with fine which may extend to two lakh rupees or with both.

(2) Any company providing cellular service which contravenes the provisions of section 4 shall be punished with fine which may extend to ten lakh rupees and suspension of its licence for a period of one year.

Every offence
to be
cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable. 2 of 1974

Act to have
overriding
effect.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late, telephone subscribers of both mobile phones and land line phones, are facing, the problem of unsolicited calls from telemarketing service providers, private banks, insurance companies and money lenders offering loans, credit cards, motor vehicles and so on and so forth offering various incentives, schemes and gift offers in order to promote their business interests. Many a time these calls create nuisance particularly when they are made when a person is attending meetings or official work or family functions etc. and more so such calls are also made at odd hours.

In case of land line phone MTNL or BSNL publish telephone directories but in case of cellular phones, the cellular service provider companies give the personal information of subscribers to other telemarketing agencies. The menace of unsolicited phone calls needs to be stopped by providing deterrent punishment through legislation.

Similarly, the much published Multi Media Messaging Service (MMS) episode of a Public School in Delhi, the case of a Pune based landlord intruding on the privacy of his female tenants, videography of unsuspecting newly wed couples on honeymoon in a five star hotel, have put question marks on citizens' right to privacy. With increasing commercialization of sex, people use cellphone cameras to secretly capture private images of girls and women to embarrass and blackmail them. These cameras are used to take up close photographs of private parts of unwary girls and women in gyms, beauty parlours, swimming pools, hotel room, bathrooms, etc. or even in busy public places. This shows how the unscrupulous elements are misusing and exploiting the new advancement in technology, Hence it becomes the uppermost duty of the State to protect its citizens and the society as well. In order to control this virtual lawlessness a new law has become necessary to provide deterrent action against the defaulters.

Hence this Bill.

NEW DELHI;
June 5, 2009.

BAIJAYANT PANDA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 21 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2009.

Amendment
of the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution, existing entries 17 to 22 shall be re-numbered as entries 18 to 23 respectively and before entry 18 as so re-numbered, the following entry shall be inserted, namely:—

“17. Rajasthani.”

STATEMENT OF OBJECTS AND REASONS

Rajasthani is a language or language cluster of the Indo-Aryan languages family. Rajasthani language is a very old and rich language which is spoken widely in many parts of the country especially in the States of Rajasthan, Madhya Pradesh, Haryana, Gujarat, Punjab and in some adjacent bordering areas of Pakistan. It is estimated that around thirty-six million people speak this language in the State of Rajasthan alone as per census of India—2001. On the other hand if we take into consideration the number of speakers of this language all over the world including the State of Rajasthan, the number of 'Rajasthani' speakers may touch the eighty million mark world wide. The language has its own history, literature and eminent scholars. This language is taught in many Schools, Colleges and Universities. Apart from this, Rajasthani '*Lok-Geet*' has its own importance and is famous all over the world.

Rajasthani language has got its own importance through the various efforts made by the scholars and others. In 1908, a scholar George Abraham Grierson first gave the name 'Rajasthani' to the language, which was earlier known through its various dialects.

Because of the efforts of various scholars, today, the Sahitya Akademi which is India's national academy of letters and the University Grant Commission has recognized it as a distinct language. It is also taught in the University of Jodhpur and Udaipur. The Board of Secondary Education, Rajasthan included 'Rajasthani' in the courses of study and it has been included as an optional subject since 1973. Since 1947, several movements have also been going on in Rajasthan to give this language the recognition it deserves. However, unfortunately, this rich language has not yet got due recognition.

Thus, considering the above facts, it is proposed in the Bill that the Rajasthani language be included in the Eighth Schedule to the Constitution.

NEW DELHI;
June 10, 2009.

ARJUN MEGHWAL

P. D. T. ACHARY,
Secretary-General.